

**Interrogatory No. 10, Aug. 11, 2022 (Ex. 7)**

*Definitions:*

The “Book” means the publication entitled The Joseph H. Pilates Archive Collection: Photographs, Writings and Designs; and

The “Collection” means “The Original and New Pilates Photo Collection,” Copyright Reg. No. 0000242067.

**Interrogatory No. 10.** Identify each photograph or other item in the Collection from page 9 through 168 of the PDF (Richtone 00093-001152), (a) that was published prior to 1992, (b) that is currently in the public domain, and/or (c) whose copyright you admit is not owned by you, and specify (a), (b), and/or (c), as applicable, for each.

**Plaintiff's Response, Sept. 10, 2022 (Ex. 8)**

Response: Plaintiff objects to this Interrogatory on the basis that requires legal conclusions, is a compound interrogatory consisting of 3 or 4 interrogatories. Plaintiff further objects to this Interrogatory on the basis that the phrase "each photograph or other item" is vague and overbroad. Plaintiff further objects to this Interrogatory as burdensome and not likely to lead to much if any relevant information and merely posed as part of a fishing expedition on behalf of some funders of this litigation. Plaintiff further objects to this Interrogatory on the basis that this Interrogatory on the basis that it is burdensome and impossible to respond to, in that Plaintiff produced a copy of the deposit supporting U.S. Registration of copyright in Collection as Richtone 000993 through 001293 to Defendants, and not what Defendants have identified the Bates numbers as, and notwithstanding the availability of Bates numbers on these produced documents as produced, the Interrogatory refers to pages nonexistent and/or missing page numbers in the Collection. Plaintiff further objects to this interrogatory as not likely to lead to much if any relevant information and merely posed as part of a fishing expedition on behalf of some funders of this litigation who have no standing to request anything.

**Letter from Troy to Knull, Oct. 4, 2022 (Ex. 9)**

**Interrogatory No. 10.**

Interrogatory No. 10 makes the same request as No. 9, but in relation to pages 9 through 168 of the PDF of the “Collection” (Richtone 00093-001152). Obviously “00093” should have read “00993,” but 001152 is correct, as it represents the last

image in the deposit copy that your client produced which displays a page of images that Gallagher could have received from Wee Tai Hom. All of the images from 001153 through 001293 were produced in 1992, as is clear from the labels on those pages and Gallagher's 2013 sworn declaration. Nevertheless, the reference to the page numbers of the PDF was correct and more than adequate for your client to answer this interrogatory, particularly given that your Bates numbers do not appear or are very difficult to read on many pages.

In any case, as with Interrogatory No. 9, Defendants are entitled to have any information in your clients' possession regarding whether an image was published prior to 1992, is in the public domain, and/or is not a photograph or other item whose copyright is not owned by Richtone. Gallagher frequently appears in social media videoclips lecturing others on publication and public domain and is capable of providing information to the best of his knowledge and understanding.

**Letter from Knull to Troy, Oct. 11, 2022 (Ex. 10)**

INTERROGATORY 10 DISCUSSION

In your objection to Plaintiff's response, you do note that page numbering of the request is erroneous and I will rework the Bates pages on which the numbers are less readable but Plaintiff wants to continue to use Bates numbered references to lessen confusion in the future.

As for your other objection, Plaintiff has provided all that it has and Plaintiff has provided its full response to this Request.